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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,694	01/22/2002	Friedrich Silbereisen	RAG-13902/08	8282

25006 7590 10/07/2003

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,694

Applicant(s)

SILBEREISEN ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Specification

The substitute specification filed 01/22/02 is acceptable and has been entered.

Claim Objections

Claims 8, 10 and 18 are objected to because of the following informalities:

- The phrase “said slide includes a disengaged position” (line 1-2 of claim 8) is unclear and should be replaced with the phrase “said slide is positionable in a disengaged position”.
- The phrase “one of said at least two guiding surfaces being formed on one side of guiding rail by said second side wall and one of said at least” (lines 5-6 of claim 10) appears to be a typographical error and should be replaced with “one of said at least two guiding surfaces being formed on one side of **the** guiding rail by said second side wall and **the other** of said at least”.
- The phrase “having including” (line 3 of claim 18) appears to be a typographical error and should be replaced with the phrase “having”.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagai U.S. Patent 5785359.

Claim 7. Nagai discloses (figs.36, 38) a fixing element for fixing a corrugated tube to a support part, the fixing element (408a, 408b, 416, 30) being connected to the support part (20) by a leg (416) and having at least two engaging members (402) engageable with at least two undercuts (surfaces of 20a contacting 402) provided on the corrugated tube (20a), the fixing element comprising: a guiding rail (408a, 408b) connected to the leg, the guiding rail having a first side wall (408a), the first side wall having an engaging edge (top 405); and a slide (410) displaceably secured on the guiding rail, the slide having a retainer lock (top 412) arranged on the slide and tapered in an inserting direction, the retainer lock having a retainer lock surface (portion of top 412 contacting 405) including an engaging edge (edge of top 412 contacting 405) that is positioned opposite to the engaging edge of the guiding rail, the engaging edge of the guiding rail and the engaging edge of the first side wall being directed toward one another in a mirror-inverted fashion and being **engageable** (but not necessarily engaged) with the at least two undercuts of the corrugated tube, a distance between the engaging edges being reduced when the slide is moved on the guiding rail in an inserting direction.

Claim 8. Nagai discloses that the slide is positionable in a disengaged position in which the slide is partially pulled out of the guiding rail and the distance between the engaging edges is the greatest, and an engaged position in which the slide is inserted into the guiding rail and the distance between the engaging edges is reduced.

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Claim 9. Nagai discloses that the guiding rail further comprises a base (outer portions of 408a and 408b), a second side wall (408b), at least two guiding surfaces (surfaces of 30 contacting 410) for the slide and an engaging tab (top 402), the engaging tab having an upwardly directed locking tab (outer lateral portions of top 402), the locking tab **being adapted to elastically engage** (but not necessarily engaging) a front notch (left half of bottom side of 410) and a rear notch (right half of bottom side of 410) provided on an underside of the slide at a distance from one another, the front notch defining the disengaged position (as seen in fig.38) of the slide and the rear notch defining the engaged position (as seen in fig.39) of the slide.

Claim 13. Nagai discloses (figs. 36, 38) a fixing element for fixing a corrugated tube having at least two undercuts to a support part comprising: a body (408a, 408b, 416, 30) having a guiding rail (408a, 408b, 30) and a leg (416), the guiding rail having a side wall (408a) that includes an engaging edge (405); and a slide (410) moveably mounted on the guiding rail, the slide having a base (middle portion of 410) and a retainer lock (outer portion of 410), the retainer lock having a surface (top 412) that includes an engaging edge (edge of top 412), the engaging edge of the guide rail and the engaging edge of the slide being adapted to engage the at least two undercuts (portion of 20a contacting 402) of the corrugated tube.

Claim 14. Nagai discloses that the guiding rail further comprises an engaging tab (402).

Claim 15. Nagai discloses that the slide further comprises at least one notch (bottom 412), the notch being **adapted to be engaged by** (but not necessarily engaging by) the engaging tab.

Claim 16. Nagai discloses that the guiding rail further comprises at least two guiding surfaces (surfaces of 30 contacting 410) for slidably supporting the slide.

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Claim 17. Nagai discloses that the slide further comprises at least two guiding ridges (top and bottom circular ridges of 410), the at least two guiding ridges extending laterally from the base part and being adapted to slidably engage the at least two guiding surfaces of the guiding rail.

Claim 18. Nagai discloses a fixing element for a corrugated tube comprising: a body (408a, 408b, 416, 30) having a guiding rail (408a, 408b, 30) and a leg (416), the guiding rail having a side wall (408a) and an engaging tab (402), the side wall having an engaging edge (405); and a slide (410) moveably mounted on the guiding rail, the slide having a base (middle portion of 410), an underside (bottom side of 410) and a retainer lock (412), the underside including a front (right half of bottom side of 410) and a rear notch (left half of bottom side of 410), the retainer lock having a surface (top 412) that includes an engaging edge (edge of top 412), the engaging edge of the side wall and the engaging edge of the surface of the retainer lock being adapted to engage a corrugated tube (20), the front notch is engaged (via 408a and 408b) by the engaging tab in a disengaged position wherein the slide is partially pulled out (as seen in fig.38) of the guiding rail and a distance between the engaging edges is greatest and whereby the rear notch is engaged by the engaging tab (via 408a and 408b) in an engaged position wherein the slide is inserted (as seen in fig. 39) into the guiding rail and the distance between the engaging edges is reduced.

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Allowable Subject Matter

Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 10. Nagai discloses that the slide further comprises a flat base part (middle portion of 410), and the retainer lock includes an outer retainer lock surface (right half of top 412) and an inner retainer lock surface (left half of top 412), the outer retainer lock surface and the inner retainer lock surface being adapted to slidably engage the at least two guiding surfaces of the guiding rail. Nagai does not disclose or suggest one of the at least two guiding surfaces being formed on one side of the guiding rail by the second side wall and the other of the at least two guiding surfaces being formed on another side of the guiding rail by a step of the first side wall.

Claims 11-12 depend from claim 10 and, as such, are also objected to.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to corrugated tubes:

Houte U.S. Patent 5905231

Houte U.S. Patent 6274813

Kunze U.S. Patent 4865893

Van Noten U.S. Patent 4860799

Jarvis U.S. Patent 4042307

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Jordan U.S. Patent 3574379

Krekeler U.S. Patent 4057294

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701.

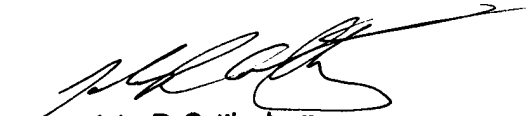
The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

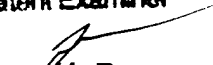
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



VLM
September 26, 2003



John R. Cottingham
Patent Examiner



Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600